

**Exhibit 1**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

MDL No. 1456  
Master File No. 1:01-CV-12257-PBS  
Sub-Category Case No. 1:08-CV-11200

THIS DOCUMENT RELATES TO:  
*United States ex rel. Linnette Sun and Greg  
Hamilton, Relators*  
v.  
*Baxter Healthcare Corporation*

Judge Patti B. Saris  
[REDACTED]

DECLARATION OF MERLE M. DELANCEY JR.

I, Merle M. DeLancey, Jr. being duly sworn state as follows:

1. I am a partner at the law firm of Dickstein Shapiro LLP, where I have been practicing law since 1991.
2. Dickstein Shapiro LLP is lead counsel to Baxter Healthcare Corporation ("Baxter") in the matter *United States ex rel. Linnette Sun and Greg Hamilton v. Baxter Healthcare Corporation*.
3. I submit this declaration in connection with the Court's April 25, 2012 request for a submission regarding whether Baxter told either the government or the relators in the Sun/Hamilton case that Advate and Recombinate had been included in the Baxter/Ven-A-Care Settlement. April 25, 2012 Hearing Transcript at 37.
4. This declaration is based upon my personal knowledge.
5. With the assistance of Professor Eric Green, Baxter negotiated a settlement agreement with Ven-A-Care's counsel James Breen. [REDACTED]

6. Only one of the three causes of action in Ven-A-Care's Amended Complaint (the third cause of action) is specifically limited to damages resulting from purchases of "Specified Drugs."

The first two FCA causes of action are not so limited and do not mention "Specified Drugs."

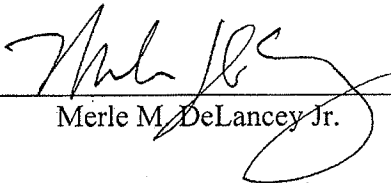
7. [REDACTED]

8. [REDACTED]

9. All pleadings regarding the Baxter/Ven-A-Care settlement agreement were filed on October 7, 2011.

10. Baxter had no discussions with the government or the relators in the Sun/Hamilton case regarding the inclusion of Advate and Recombinate in the Baxter/Ven-A-Care Settlement.

Dated this 2<sup>nd</sup> day of May, 2012.

  
Merle M. DeLancey Jr.